

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

POLYONE CORP.,)	Case No. 1:11 CV 686
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
APRIL BARNETT,)	
)	
Defendant.)	

On August 10, 2011, Plaintiff Polyone Corporation filed a Motion for Temporary Restraining Order (“Motion for TRO”) (**Doc #: 27**). Pursuant to the Court’s July 27, 2011 order, Plaintiff has initiated a forensic analysis of Defendant April Barnett’s computer, including her hard drive. Plaintiff alleges that its initial analysis indicates: (1) the forensic image of Defendant’s hard drive produced to Plaintiff was made on August 23, 2004, an irregularity calling into question the accuracy of the forensic image; and (2) a highly confidential spreadsheet was intentionally saved to Defendant’s computer, even though Defendant testified at her July 18, 2011 deposition that the spreadsheet was automatically, and not intentionally, saved to her computer. Based on these allegations, Plaintiff moved the Court for an order enjoining Defendant from commencing her employment with A. Schulman, Inc. or its affiliated companies until August 26, 2011, the day after a scheduled conference with the Court.

Shortly after Plaintiff filed its Motion for TRO, Defendant faxed a response to the

Court. The Court subsequently held a telephonic hearing on August 10, 2011. During the hearing, the Court issued its decision **DENYING** the Motion for TRO. The Court determined that the forensic investigation should be concluded before any action was taken. Plaintiff should still file a report of its analysis by 4:00 p.m. on August 15, 2011; Defendant may then respond to Plaintiff's report. Further discussion of the results of the analysis will take place at the August 25, 2011 conference, which the Court changed to an in-person conference beginning at 9:30 a.m., to be attended by both clients and counsel.

IT IS SO ORDERED.

/s/Dan Aaron Polster August 10, 2011

Dan Aaron Polster

United States District Judge